



Southeast Fishery Bulletin

National Marine Fisheries Service, Southeast Regional Office, 263 13th Avenue South, St. Petersburg, Florida 33701

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FOR IMMEDIATE RELEASE:

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Proposed Changes to Regulations for Bycatch Reduction Devices in the Southeastern Shrimp Fishery

On Friday October 12, 2007, NOAA's National Marine Fisheries Service (NOAA Fisheries Service) will begin accepting public comment on proposed changes regarding the use of bycatch reduction devices (BRDs) in the southeastern shrimp fishery. In summary, NOAA Fisheries Services proposes the following changes:

- Change the bycatch reduction certification criterion for the western Gulf of Mexico.
- Revise and consolidate the BRD Testing Manuals (formerly known as the BRD Protocols).
- Certify new BRDs for use in the shrimp fishery.

Background

BRDs have been required in shrimp trawls since 1997 for the South Atlantic, since 1998 for the western Gulf of Mexico (western Gulf), and since 2004 for the eastern Gulf of Mexico (eastern Gulf). Both the Gulf of Mexico (GMFMC) and South Atlantic (SAFMC) Fishery Management Councils established Bycatch Reduction Device Testing Protocol Manuals, outlining procedures to test and certify additional BRDs.

BRD certification criteria have differed by area. In the western Gulf, BRDs have been certified based on their ability to reduce red snapper bycatch. In the eastern Gulf, BRDs are certified if they reduce the weight of the finfish bycatch by at least 30 percent. Originally, BRDs were certified for the South Atlantic based on their effectiveness at reducing Spanish mackerel and weakfish, but in 2005, the SAFMC changed the criterion to a 30-percent finfish reduction.

Change the Western Gulf Certification Criterion

The GMFMC is now proposing to modify the bycatch reduction certification criterion for the western Gulf to match the criterion of the eastern Gulf and South Atlantic. If approved, a BRD that reduces the weight of finfish in a trawl by 30 percent would be certified for use in the shrimp fishery of the western Gulf. This change would make the criterion consistent throughout the jurisdiction of the GMFMC and SAFMC.

Revise and Consolidate the BRD Testing Manuals

With a consistent certification criterion throughout the southeast, NOAA Fisheries Service is proposing to

consolidate and revise the testing manuals for the Gulf of Mexico and the South Atlantic. The existing manuals spell out rigorous "one-size-fits-all" testing procedures to be followed by every applicant. The primary change in the manual's procedures would allow the applicant to describe how they intend to test a new BRD. This would allow the applicants additional flexibility for their specific tests. In addition, NOAA Fisheries Service would change the statistical procedure used to evaluate the data collected during a test. The changes are intended to promote additional research on BRDs, while ensuring an acceptable level of statistical precision and accuracy in the results.

In addition, NOAA Fisheries Service proposes to create a "provisional certification" category for BRDs. A provisional certification would apply to a BRD that excludes at least 25 percent of the finfish by weight in a trawl. A provisional certification would be effective for 2 years. This time period would allow additional wide-scale industry evaluation of the BRD to further refine the design or application of the BRD so it could eventually meet the certification criterion.

Certify New BRDs

Implementing the new BRD certification criterion, along with the revisions to the certification manual, especially the addition of a "provisional certification," would allow NOAA Fisheries Service to certify some new and more effective BRDs for use in the shrimp fishery. NOAA Fisheries Service is proposing to certify the Modified Jones-Davis BRD and provisionally certify the Composite Panel BRD for use throughout the southeastern shrimp fishery. These are new BRDs to the fishery; they have not been certified previously.

In addition, the Extended Funnel BRD is currently certified for use in the eastern Gulf of Mexico and South Atlantic, but it was not certified for the western Gulf. With the proposed change to the certification criterion for the western Gulf, the Extended Funnel BRD would be allowed in the western Gulf. However, recent tests in the Gulf of Mexico indicate the Extended Funnel BRD only meets the requirements to be provisionally certified. Therefore, the Extended Funnel BRD would be allowed throughout the Gulf of Mexico, but only under a 2-year provisional certification.

All the new tests on the Extended Funnel BRD were conducted in the Gulf of Mexico. The fishery in the South Atlantic is conducted in shallower water, using somewhat different gear and methods, and the bycatch is different from the bycatch found in the Gulf of Mexico fishery. Therefore, the results from the Gulf of Mexico tests do not apply to the South Atlantic, and the Extended Funnel BRD will remain certified for use in the South Atlantic.

Dates and Addresses

Written comments on these proposed changes must be received no later than 5 p.m., eastern time, November 12, 2007. You may submit comments, identified by 0648-AU59, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal at <http://www.regulations.gov>
- Fax: 727-824-5308, Attn: Steve Branstetter
- Mail: Steve Branstetter, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, Florida 33701.

Instructions: All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. NOAA Fisheries Service will accept anonymous comments. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Comments received by November 12, 2007, will be considered by NOAA Fisheries Service in its decision to approve, disapprove, or partially approve the actions. Comments received after that date will not be considered by NOAA Fisheries Service in this decision. All comments received by NOAA Fisheries Service will be addressed in the final rule.

Copies of the GMFMC regulatory amendment proposing the change in the certification criterion, which includes an Environmental Assessment, a Regulatory Impact Review, and an Initial Regulatory Flexibility Analysis, is available in electronic format from the Council's web site at <http://www.gulfcouncil.org>, or by contacting the Council at 2203 North Lois Avenue, Suite 1100, Tampa, FL, 33607; phone: 813-348-1630; fax: 813-348-1711; e-mail: gulfcouncil@gulfcouncil.org.

Copies of the revised BRD Testing Manual are available by contacting NOAA Fisheries Service's Southeast Regional Office (SERO) at the address listed above. The proposed rule outlining all these changes, including complete descriptions of the new BRD designs, is available in print from SERO at the address listed above, or in electronic form from the *Federal Register* Web site: <http://www.gpoaccess.gov/fr/index.html> (search proposed rules for "AU59").

This bulletin provides only a summary of the information regarding the proposed rule. Any discrepancies between this bulletin and the proposed rule published in the *Federal Register* will be resolved in favor of the *Federal Register*.

How Can We Improve These Fishery Bulletins?

If you have any suggestions on how we may improve future fishery bulletins please contact:

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If you would like to receive these fishery bulletins via e-mail as soon as they are published, please e-mail us at the address below. You will still receive a print copy of these bulletins through the mail. E-mail SERO.Communications.Comments@noaa.gov and include: (1) "Request for Electronic Fishery Bulletins" in the subject line; and (2) Your preferred email address in the body of the email.

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